



General Assembly

Amendment

February Session, 2012

LCO No. 4254

SB0003804254HDO

Offered by:
REP. SCHOFIELD, 16th Dist.

To: Senate Bill No. 38

File No. 23

Cal. No. 410

**"AN ACT CONCERNING THE PUBLISHING OF EXECUTIVE
ORDERS PROCLAIMING AN EMERGENCY BY THE SECRETARY
OF THE STATE."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2012*) (a) (1) Subject to the
4 provisions of subsection (b) of this section, any insurer that delivers,
5 issues for delivery, renews, amends or continues in this state a
6 commercial risk insurance policy or rider to such policy that provides
7 coverage for the spoilage of perishable food shall provide coverage to
8 the same extent for perishable food that is donated to a temporary
9 emergency shelter operated or supervised by a municipality or the
10 state during a state of emergency for a limited time period, if: (A) The
11 Governor proclaims that a state of emergency exists; (B) as a result or
12 as part of such emergency, an electrical outage or interruption of
13 electrical service to an insured under such policy or rider has occurred
14 and is forecast by the electric supplier for such insured to last longer
15 for the insured location than the time period prescribed by the

16 Department of Public Health or local director of health, or an
17 authorized agent thereof, for the safe handling of perishable food; (C)
18 such perishable food is donated prior to the expiration of the time
19 period described in subparagraph (B) of this subdivision; and (D) the
20 insured provides to the insurer written documentation from such
21 shelter that states the date and time of such donation.

22 (2) The provisions of subdivision (1) of this subsection shall apply to
23 an insurance policy or rider delivered, issued for delivery, renewed,
24 amended or continued in this state for a food establishment classified
25 as class III or class IV pursuant to regulations adopted under section
26 19a-36 of the general statutes.

27 (b) No such food establishment shall donate perishable food
28 pursuant to subdivision (1) of subsection (a) of this section if (1) the
29 Department of Public Health or a local director of health, or an
30 authorized agent thereof, has embargoed or ordered destroyed such
31 perishable food, (2) the Department of Consumer Protection or its
32 authorized agent has deemed such perishable food adulterated, as
33 defined in section 21a-101 of the general statutes, or (3) such perishable
34 food is not fit for human consumption.

35 (c) To the extent a tax deduction or tax credit is allowed under state
36 law for a donation made pursuant to this section, no food
37 establishment that donates perishable food in accordance with the
38 provisions of this section and receives payment from an insurer for
39 such donation shall avail itself of a tax deduction or tax credit for the
40 amount of such payment.

41 Sec. 502. Section 52-557l of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective October 1, 2012*):

43 (a) Notwithstanding any provision of the general statutes, any
44 person, including but not limited to a seller, farmer, processor,
45 distributor, wholesaler or retailer of food, who donates an item of food
46 for use or distribution by a nonprofit organization or nonprofit
47 corporation and any nonprofit organization or nonprofit corporation

48 that collects donated food and distributes such food to other nonprofit
 49 organizations or nonprofit corporations free of charge or for a nominal
 50 fee shall not be liable for civil damages or criminal penalties resulting
 51 from the nature, age, condition or packaging of the food, unless it is
 52 established that the donor, at the time of making the donation, or the
 53 nonprofit organization or nonprofit corporation, at the time of
 54 distributing the food, knew or had reasonable grounds to believe that
 55 the food was (1) adulterated, as defined in section 21a-101, or (2) not fit
 56 for human consumption.

57 (b) Notwithstanding any provision of the general statutes, any food
 58 establishment classified as class III or class IV pursuant to regulations
 59 adopted under section 19a-36, that donates perishable food for use or
 60 distribution by a temporary emergency shelter in accordance with the
 61 provisions set forth in section 501 of this act shall not be liable for civil
 62 damages or criminal penalties resulting from the nature, age, condition
 63 or packaging of the food, unless it is established that the donor, at the
 64 time of making the donation, knew or had reasonable grounds to
 65 believe that the food was (1) embargoed or ordered destroyed by the
 66 Department of Public Health or a local director of health, or an
 67 authorized agent thereof, (2) adulterated, as defined in section 21a-101,
 68 or (3) not fit for human consumption."

This act shall take effect as follows and shall amend the following sections:

Sec. 501	October 1, 2012	New section
Sec. 502	October 1, 2012	52-557l